

Entered -11-2-00 - sb  
CL 00L0664 - GWENDOLYN BURNS

00- R-1930

CLAIM OF: **ACCEPTANCE INSURANCE**  
as subrogee of  
**EARL TUCKER**  
P.O. Box 23410  
Nashville, Tennessee 33462

For vehicular damages alleged to have been sustained from an  
automobile accident on June 3, 2000 at 55 Peachtree Street, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY  
CITY COUNCIL DEC 04 2000

ADVERSE REPORT

COM Public Safety

DATE 11/28/00

CITY C. T. Martin

Michael B. [Signature]

[Signature]

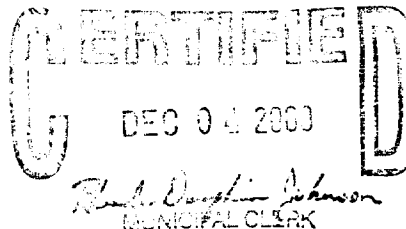
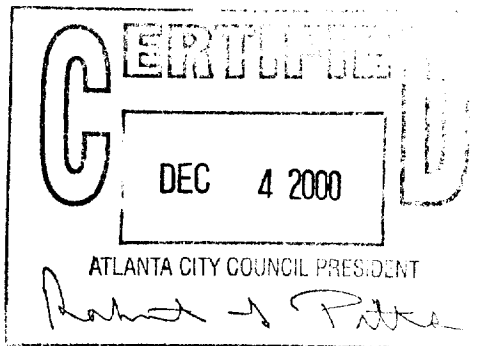
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## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

December 12, 2000

Acceptance Insurance  
as subrogee of Earl Tucker  
Attn: Terry Floyd  
P.O. Box 23410  
Nashville, Tennessee 33462

**00-R-1930**

Dear Mr. Floyd:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 4, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at **(404) 330-6400**.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0664

Date: November 16, 2000

Claimant /Victim EARL W. TUCKER  
 BY: (Atty) (Ins. Co.) ACCEPTANCE INSURANCE COMPANY  
 Address: P.O. Box 23410, Nashville, TN 37202  
 Subrogation:          Claim for Property damage \$ 5,282.71 Bodily Injury \$           
 Date of Notice: 6/13/00 Method: Written, Proper X Improper           
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 6/3/00 Place: 55 Peachtree Street, NE  
 Department PUBLIC WORKS Division Solid Waste Services  
 Employee involved          Disciplinary Action:         

NATURE OF CLAIM: Claimant's vehicle sustained damage when a city vehicle, while in the process of being towed, rolled into it. However, this claim is being settled through a previously filed claim. (Duplicate - See claim #00L0391 for settlement)

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police   X   Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental           X           Ministerial                                   
Improper Notice                                  More than Six Months                                  Other                                  Damages reasonable           X            
City not involved                                  Offer rejected                                  Compromise settlement           X            
Repair/replacement by Ins. Co.                                  Repair/replacement by City Forces                                   
Claimant Negligent                                  City Negligent           X           Joint                                  Claim Abandoned                                 

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager *[Signature]* Concur/date 11-17-02  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



P.O. Box 23410  
Nashville, TN 37202

*Burns*  
*10/27/00*  
*Da*

October 25, 2000

City of Atlanta-Dept. of Law  
Suite 4100-City Hall Tower  
68 Mitchell Street SW  
Atlanta, GA 30335-0332

ENTERED - 11-2-00 - SB  
00L0664 - GWEN BURNS

RE: Policy No: UPCF 66637  
Our Insured: Earl Tucker  
Date of Loss: 06/03/00  
Claim No: 33462

Dear Sirs:

We are the automobile insurance carrier who provided coverage for Earl W. Tucker at the time of the captioned accident. A thorough review of our file material indicates that you are responsible for any damages or loss that resulted from this accident.

We have paid benefits to or on behalf of the insured for damages sustained in this accident under his/her policy. We are entitled to recover any amount of money paid to or on behalf of the insured from you, the responsible party.

You are advised that the insured has no authority to give you a release for any amount of benefits USAuto Insurance Co., Inc. pays under this insurance policy.

Enclose are our supports. Please forward your check for \$1000 per the enclosed letter, to our address listed above. **Please reference our claim number.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Floyd".

Terry Floyd  
Claim Representative  
Ext. 3424

**00- R -1930**

RCS# 2434  
12/04/00  
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1874  
00-O-1986  
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836  * President Pitts recused himself.